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Attorneys for Plaintiff DIRECTV, INC.

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**SAN JOSE DIVISION**

DIRECTV, INC., a California corporation,  
  
 Plaintiff,  
  
 vs.  
  
 DUONG VONG,  
  
 Defendant.

Case No.: CV-04-5051 RS

Hon. Richard Seeborg

**REQUEST FOR VOLUNTARY DISMISSAL  
 OF DEFENDANT DUONG VONG;  
~~PROPOSED~~ ORDER THEREON**

Pursuant to Fed. R. Civ. P. 41(a)(2), Plaintiff DIRECTV, Inc. ("DIRECTV")  
 hereby respectfully requests that the Court enter an Order dismissing the above-captioned action  
 with prejudice as to Defendant DUONG VONG ("Defendant"). This request is made on the  
 grounds that Defendant and DIRECTV have entered into an agreement settling this matter.  
 Pursuant to the terms of that agreement, DIRECTV agreed to voluntarily dismiss this action  
 against Defendant, each party to bear its/his own attorneys' fees and costs incurred in this action  
 to date.

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1 Defendant answered the Complaint on or about November 30, 2004. DIRECTV,  
2 therefore, cannot unilaterally voluntarily dismiss this action against Defendant absent a Court  
3 order. Fed. R. Civ. P. 41(a). Accordingly, DIRECTV respectfully requests the entry of such an  
4 order dismissing Defendant with prejudice.

5 DATED: October 17, 2005

Respectfully Submitted,

6 BUCHALTER NEMER  
7 A Professional Corporation

8  
9 By: /s/ Brandon Q. Tran  
10 Brandon Q. Tran  
11 Attorneys for Plaintiff DIRECTV, Inc.

12  
13 **ORDER**

14 Having read the foregoing Request for Voluntary Dismissal of Defendant  
15 DUONG VONG filed by Plaintiff DIRECTV, Inc., and such other pleadings and papers deemed  
16 appropriate by the Court, and GOOD CAUSE appearing therefore, the Court ORDERS as  
17 follows:

18 1. This action is hereby dismissed with prejudice as against Defendant  
19 DUONG VONG; and

20 2. Each party shall bear its/his own attorneys' fees and costs incurred in this action to  
21 date.

22 DATED: October 18, 2005

23 /s/ Richard Seeborg  
24 Honorable Richard Seeborg  
25 United States District Court  
26 Northern District of California

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